



Protecting workers and promoting fair business practices in the specialty forest-products industry

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L&I is increasing its efforts in the specialty forest-products industry to:

- **Educate and improve working conditions for vulnerable, low-wage workers.**
- **Assess employer-employee relationships.**
- **Collect workers' compensation premiums; enforce state labor regulations, including minimum wage, safety and health, and farm labor contractor laws.**
- **Ensure a level playing field for all businesses in the industry.**

What is the issue?

Western Washington forests are rich with native plants that are highly sought as "floral greens" for a multi-million dollar floral industry in the United States and Europe. Harvesting and selling specialty forest products, such as salal and beargrass, has become a significant industry in Washington. The non-traditional work locations and labor structures in the industry have given rise to a large underground economy.

Why is L&I focusing on this industry?

There may be hundreds or even thousands of forest products harvesters, or "brush pickers," at work on public and private forest lands on any given day. Most are undocumented workers from Mexico, Central America and Southeast Asia. Many of the brush pickers may be employees and entitled to workers' compensation, minimum wage and other worker protections. The floral greens' wholesalers, or "sheds," generally consider them to be independent "vendor-pickers" and not employees. Some crew leaders may be operating as unregistered employers and/or as unlicensed farm labor contractors.

In March 2004, a van carrying ten brush pickers crashed in Lewis County. Five people were killed and another five seriously injured. The driver was determined to be an unregistered employer and an unlicensed farm labor contractor. The cost of this accident is approaching \$1 million in workers' compensation, which could impact workers' compensation costs for all employers in this industry.

What has L&I done so far?

L&I has focused its efforts on education, outreach and enforcement in four key groups: brush pickers, farm labor contractors, sheds, and private and public landowners. L&I has increased its efforts to identify employment relationships by investigating field activity and auditing shed operators' records. Many of the audits have shown that the brush pickers are employees of the packing sheds. The industry is becoming more aware of state requirements, but challenges still remain. The brush pickers are largely unprotected and unrepresented, and those in the floral greens' industry who are complying with state laws are at an unfair economic disadvantage when competing with an underground economy.

What are L&I's next steps?

L&I will continue to inform and educate the public, industry groups, and workers about worker protection standards and fair practices.

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